RECENT CASES

ADMINISTRATIVE LAW — APPLICABILITY OF THE COMMON LAW RULES OF EVIDENCE IN PROCEEDINGS BEFORE ADMINISTRATIVE TRIBUNALS. — A buyer of goods refused to accept delivery, alleging that the cloth was not of the color ordered. The dispute was referred to arbitration. The arbitrators took the evidence of each side in the absence of the other, and made an award in favor of the seller. The buyer moved to set aside the award. *Held*, that the award be set aside. *W. Ramsden & Co.* v. *Jacobs*, [1922] 1 K. B. 640.

For a discussion of the principles involved, see NOTES, *supra*, p. 79.

ADMIRALTY — JURISDICTION — IMMUNITY OF A VESSEL FROM LIBEL AFTER TRANSFER FROM A SOVEREIGN TO A PRIVATE PARTY. — The Belgian vessel, *Tervaete*, while owned by the Belgian Government and while engaged in public duties, negligently collided with another vessel. Subsequently it was transferred to private owners and was libeled for the injury. *Held*, that judgment be entered for the libellant. *The Tervaete*, [1922] P. 197.

It is a familiar doctrine that a sovereign, either domestic or foreign, cannot be sued without its consent. This principle applies to suits against the sovereign or against its property. *The Exchange*, 7 Cranch (U. S.) 116; *Parlement Belge*, 5 P. D. 197; *United States* v. *Clark*, 8 Pet. (U. S.) 436, 444. But in the principal case the sovereign was not sued. The theory of the court was that the injury gave rise to rights the remedy for which, though dormant while the vessel was owned by the government, sprang to life when it was transferred to private hands. It would seem that this result could be reached more readily in this country than in England. Here a libel is regarded as a suit against the vessel itself, and not against its owner. *John G. Stevens*, 170 U. S. 113, 120. See 35 HARV. L. REV. 330. Yet the United States Supreme Court in a recent case held the contrary. *The Western Maid*, U. S. Sup. Ct., Oct. Term, 1921, Nos. 21, 22, 23. This is hardly in keeping with previous cases in which the court has spoken of a right arising without a remedy. *The Siren*, 7 Wall. (U. S.) 152, 155; *The Davis*, 10 Wall. (U. S.) 15. See *United States* v. *Wilder*, 3 Sum. 308 (1st Circ.). See Charles H. Weston, "Actions Against the Property of a Sovereign," 32 HARV. L. REV. 266. This right is enforceable by counterclaim when the government takes affirmative action. *United States* v. *Ringold*, 8 Pet. (U. S.) 150. Considerations of policy alone forbid its enforcement when the sovereign has taken no action.

AGENCY — MASTER AND SERVANT — AUTOMOBILES — LIABILITY OF THE OWNER OF A FAMILY CAR. — The defendant's minor stepdaughter, driving the family car with his permission, and for her own pleasure, negligently injured the plaintiff. The trial court directed a verdict for the defendant. *Held*, that the judgment be reversed. *Jones* v. *Cook*, 11 S. E. 828 (W. Va.).

The reasoning of this case is that since the car was provided for the pleasure of members of the family, and was being used for this purpose, the driver was acting as the agent or servant of the owner, within the scope of his employment. Absurd as is the fiction that the gift of the privilege of using a chattel makes the donee use it as a servant of the owner, it is supported by the weight of authority. *Lynch* v. *Dobson*, 188 N. W. 227 (Neb.); *King* v. *Smythe*, 140 Tenn. 217, 204 S. W. 296; *Bald-*